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Attorneys for Defendant  
INTERNATIONAL BUSINESS MACHINES  
CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS ROSENBERG, JOHN  
SHELLY and EXALDO TOPACIO, on  
behalf of themselves and classes of those  
similarly situated,

Plaintiff,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant.

Case No. 06-0430 JCS

**STIPULATION EXTENDING  
DEFENDANT'S TIME TO RESPOND TO  
COMPLAINT**

Pursuant to Local Rule 6-1(a), Plaintiffs Thomas Rosenberg, et al. and Defendant International Business Machines Corporation ("Defendant"), by and through their undersigned counsel, hereby stipulate to an extension of time for Defendant to file its response to Plaintiffs' complaint filed on January 24, 2005 (the "Complaint"). The parties hereby stipulate and agree that Defendant shall have an extension of 30 days, to and including March 17, 2006, to answer or otherwise plead to the Complaint. The parties further stipulate that by executing or agreeing to this stipulation, Defendant does not waive, and otherwise reserves, its right to assert any available defense to the Complaint including but not limited to issues of subject matter jurisdiction, personal jurisdiction, or sufficiency of service.

1 Dated: February 14, 2006

JONES DAY

2  
3 By: /S/ Donna M. Mezas

4 Donna M. Mezas  
5 Attorneys for Defendant  
6 INTERNATIONAL BUSINESS MACHINES  
7 CORPORATION

8  
9 Dated: February 15, 2006

LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, LLP

10 By: /S/ James M. Finberg

11 James M. Finberg  
12 Attorneys for Plaintiffs

13 SFI-537764v1

14 Dated: February 15, 2006

